

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

---

**R.C. and S.C., on behalf of R.C.,**

**Plaintiffs,**

**vs.**

**CARMEL CENTRAL SCHOOL DISTRICT**

**Defendant.**

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Civil Action 07 CIV 9532 (GEL)**

**NOTICE OF MOTION TO  
DISMISS THE COMPLAINT**

**TO:** MAYERSON & ASSOCIATES  
Attorneys for Plaintiffs  
330 West 38<sup>th</sup> Street  
New York, New York 10580

PLEASE TAKE NOTICE that the defendant Carmel Central School District will move before the Hon. Gerald E. Lynch, U.S.D.J., at the Daniel Patrick Moynihan United States District Courthouse, 500 Pearl Street, New York, New York 10007 on February 1, 2008 at 9:00 a.m. of the forenoon of such day, or at such other time as the Court may determine, for an Order and Judgment granting said defendant a dismissal of the Complaint under Rule 12 (b)(6) of the Federal Rules of Civil Procedure, and granting said defendant such other and further relief as the Court may deem just and proper.

Dated: January 4, 2008

SHAW, PERELSON, MAY & LAMBERT  
LLP  
Attorneys for Defendant Carmel Central  
School District

By: \_\_\_\_\_/S\_\_\_\_\_  
Mark C. Rushfield, Esq. (MCR0231)  
Of Counsel  
40 So. Roberts Road  
Highland, New York 12528  
845/691-8100